



North Carolina Department of Labor
Division of Occupational Safety and Health
1101 Mail Service Center
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NOTICE OF VERBATIM ADOPTION OF FEDERAL STANDARDS

In consideration of G.S. 150B-21.5(c) the Occupational Safety and Health Division of the Department of Labor hereby gives notice that:

- Rule changes have been submitted to update the *North Carolina Administrative Code* at 13 NCAC 07F .0201, to incorporate by reference the occupational safety and health related provisions of Title 29 of the *Code of Federal Regulations* Parts 1926 promulgated as of November 9, 2018, except as specifically described, and
- The *North Carolina Administrative Code* at 13 NCAC 07A .0301 automatically includes amendments to certain parts of the *Code of Federal Regulations*, including Title 29, Part 1926—Construction Standards.

This update encompasses the following recent verbatim adoption:

- Occupational Safety and Health Standards, 29 CFR § 1926 - Incorporation by reference – Amended (*83 FR 56198, November 9, 2018*)

The *Federal Register* (FR), as cited above, updates the agency's standard for cranes and derricks in construction by clarifying each employer's duty to ensure the competency of crane operators through training, certification or licensing, and evaluations. It also alters a provision that required different levels of certification based on the rated lifting capacity of equipment. While testing organizations are not required to issue certifications distinguished by rated capacities, they are permitted to do so, and employers may accept them or continue to rely on certifications based on crane type alone. Finally, this rule establishes minimum requirements for determining operator competency. OSHA's final rule was effective December 10, 2018, except the amendments to 29 CFR 1926.1427(a) and (f) (evaluation and documentation requirements), which became effective February 7, 2019.

For additional information, please contact:

Bureau of Education, Training and Technical Assistance
Occupational Safety and Health Division
North Carolina Department of Labor
1101 Mail Service Center
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For additional information regarding North Carolina's process of adopting federal OSHA Standards verbatim, please contact:

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Legal Affairs Division
1101 Mail Service Center
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Summary of Verbatim Adoptions
Effective November 9, 2018

Occupational Safety and Health Standards

The final rule, published in the Federal Register on November 9, 2018 (83 FR 56198), updates the agency's standard for cranes and derricks in construction by clarifying each employer's duty to ensure the competency of crane operators through training, certification or licensing, and evaluations. It also alters a provision that required different levels of certification based on the rated lifting capacity of equipment. While testing organizations are not required to issue certifications distinguished by rated capacities, they are permitted to do so, and employers may accept them or continue to rely on certifications based on crane type alone. Finally, this rule establishes minimum requirements for determining operator competency. OSHA's final rule was effective December 10, 2018, except the amendments to 29 CFR 1926.1427(a) and (f) (evaluation and documentation requirements), which became effective February 7, 2019.

The attached amendment of 13 NCAC 07F .0201 is required by 29 CFR 1902.4(a)(1) and G.S. 95-131(a) in order for North Carolina's Occupational Safety and Health program to be as effective as the federal program and to maintain North Carolina's state plan status under the federal Occupational Safety and Health Act of 1970. This rule was adopted in accordance with 150B-21.5(c). Pursuant to the provisions of G.S. 150B-21.3(e), **the effective date of this action is May 3, 2019.**